

REMARKS

This paper is filed in response to the Office Action mailed on August 9, 2006. Currently, Claims 1-13 are pending in the application. Claims 1-13 have been examined and stand rejected. Claims 2, 9, 12 and 13 have been canceled without prejudice. Claims 14 and 15 are new. Consideration of Claims 1, 3-8, 10, 11, 14 and 15 is respectfully requested.

The Rejection of Claims 1-13 Under 35 U.S.C. § 112, Second Paragraph

Claims 1-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 1 and 8 are purportedly lacking antecedent basis.

Claims 1 and 8 have been amended. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

The Rejection of Claims 1-3 Under 35 U.S.C. § 102(b)

Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,584,625 (Swick).

Claim 1 has been amended to recite a pin having a forward facing surface that is solid in the center. This limitation is supported from the specification, at least, from FIGURE 2.

The Examiner identified component 14 in Swick as corresponding with the pin of Claim 1. Swick describes the component 14 as a hollow body section. (Col. 3, line 4.) That the component 14 is hollow at the forward facing surface is undeniable from Figures 1, 2, and 4 of Swick. Therefore, Swick does not describe the pin has a forward facing surface that is solid in the center. Furthermore, there is no motivation or suggestion to provide a forward facing surface that is solid in component 14. Swick describes the guide needle 10 is used with flexible catheters which are passed through the interior of the guide needle 10. Figure 2 of Swick clearly shows the catheter 12 being passed within the hollow section 14 of the guide needle 10. Were the guide

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

needle 10 provided with a forward facing surface that is solid in the center, passing the catheter through the guide needle would be prevented, thus destroying its intended purpose.

Because Swick does not describe at the very least a pin having a forward facing surface that is solid in the center, the reference is not anticipatory.

Accordingly, the withdrawal of the rejection of Claims 1-3 is respectfully requested.

The Rejection of Claims 1-3 Under 35 U.S.C. § 102(b)

Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,610,239 (Huggins).

The Examiner has identified component 14 as the "pin" in the claims. Component 14 is actually an inner tube section having a U-shaped configuration. (Col. 2, lines 4-6) Therefore, tube section 14 is hollow at the forward facing surface as can be perceived by referring to Figure 3. Furthermore, there is no suggestion or motivation to provide a forward facing surface that is solid in the center of the tube section 14. Huggins describes that the guide needle serves the dual purpose of making the venipuncture and carrying the flexible catheter 12 which is inserted in the opening in the vein. (Col. 1, lines 62-65.) Were the tube 14 provided with a forward facing surface that is solid in the center, the catheter 12 would be prevented from passing through the guide needle 10, thus destroying its intended purpose. For example, in Figure 4, the catheter 12 is shown passing through the tube section 14 at the forward facing surface.

Because Huggins does not describe at the very least a pin having a forward facing surface that is solid in the center, the reference is not anticipatory.

Accordingly, the withdrawal of the rejection of Claims 1-3 is respectfully requested.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

The Rejection of Claims 1, 2, 4, 5, and 8-13 Under 35 U.S.C. § 102(b)

Claims 1, 2, 4, 5 and 8-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,364,376 (Horzewski).

Claims 1 and 8 have been amended to recite the web is positioned laterally with respect to the long axis of the pin.

The Examiner identified component 24 as the "web" and component 32 as the "pin." Horzewski describes component 24 as a removable core member which may be inserted into a guidewire lumen 16. The core member 24 is connected to component 32 so that both lie on the same axis. (Figure 1.) Therefore, assuming for the sake of argument that the core member 24 is a web and component 32 is a pin, the web 24 does not lie lateral to the pin 32.

Furthermore, in Claim 8, the position of the slot is recited to be in a wall along a length of the guidewire channel so that the guidewire exit tool is positioned so that the pin is in the guidewire channel and the web extends through the slot and the tapered forward facing surface of the pin faces the slot to lift the guidewire out of the guidewire channel through the slot..

As best understood, the Examiner identified the slot to be the same as the guidewire lumen 16, not the aperture 20 in the guidewire lumen 16. Assuming for the sake of argument that component 24 is the web, then the web 24 does not pass through the slot through which guidewire is lifted.

Accordingly, the withdrawal of the rejection of Claims 1, 2, 4, 5 and 8-13 is respectfully requested.

Furthermore, Claim 10 recites that the proximal end of the guidewire engages with the guidewire exit tool by sliding the guidewire exit tool in the guidewire channel. The device described by Horzewski would not function to lift the guidewire out of the guidewire channel by advancing the core member 24. This is because the core member 24 has a thick portion 34 and a

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

thin portion 32 as shown in Figures 3A and 3B. The slidable sleeve 28 has a corresponding thin portion 30 and a thick portion 28. As shown in Figure 2, the thin portion 30 of the sliding sleeve 18 fits over the thick portion 34 of the core member 24, and the thick portion 28 of the sliding sleeve 18 fits over the thin portion 32 of the core member 24. Therefore, by advancing the removable core member 24, the slidable sleeve 18 is also advanced causing misalignment of the slidable sleeve aperture 22 with the aperture 20 in the guidewire lumen 16. When this happens, the slidable sleeve 18 closes the opening 20, and the guidewire is prevented from being removed.

The Rejection of Claims 4-7 Under 35 U.S.C. § 103(a)

Claims 4-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Swick or Huggins.

The Examiner states Claims 4-7 are obvious based on being a matter of design choice purportedly because the configuration of the handle has not been disclosed to serve any advantage or solve a stated problem. This statement is simply not correct. At page 4, lines 6-9, the specification states that the orientation of the disk and depressions within the handle 32 form an ergonomic grip that is easily grasped by the thumb and forefinger of a user for movement within a guidewire channel. Furthermore, the orientation of the disk at an angle with respect to the longitudinal axis of the pin creates a force vector having a horizontal component and a vertical component. Thus, by providing an angled orientation of the handle, the handle can provide forward thrust more easily in the horizontal direction.

Accordingly, the withdrawal of the rejection is respectfully requested.

New Claims 14 and 15

Claims 14 and 14 are new. Claims 14 and 15 recite features not taught or suggested by any of the cited and applied references. For example, both Claims 14 and 15 recite a pin that is

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

generally circular and has a tapered distal end, wherein the tapered distal end is solid in the center; a handle; and a web that secures the pin to the handle, the web being attached to the pin laterally with respect to the long axis of the pin.

The Telephone Interview

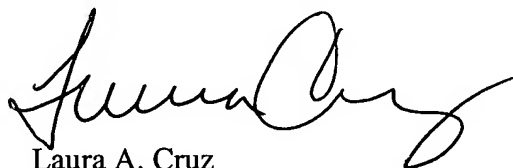
Attorney for applicants and Examiner Stigell discussed the present claim amendments on October 31, 2006 over the telephone. The Examiner appeared to indicate that the claim amendments would overcome the cited prior art, but, additional searching would be carried out.

CONCLUSION

In view of the foregoing amendment and remarks, applicants submit that Claims 1, 3-8, 10, 11, 14 and 15 are in condition for allowance. If the Examiner has any further questions or comments, the Examiner may contact the applicants' attorney at the number provided below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Laura A. Cruz
Registration No. 46,649
Direct Dial No. 206.695.1725

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first-class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: November 9, 2006
LXC:jam/ejh



LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100